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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region III
1650 Arch Street
Philadelphia, PA 19103



1 September 2000

Wilmington Economic Development Corp.
c/o Ms. Constance McCarthy
100 West 10th Street, Suite 706
Wilmington, DE 19801

re: 12th Street Landfill/Dump Site
EPA Removal Action
WEDCO Parcel 26-045.00-019

Dear Ms. McCarthy:

The U.S. Environmental Protection Agency is conducting a Removal Action to address a release of hazardous substances from a site in Wilmington, Delaware, identified by EPA as the 12th Street Landfill/Dump Site. The Removal Action is conducted under the authorities of the Comprehensive Environmental Response, Compensation and Liability Act. The Site is generally located along the Brandywine Creek and consists of industrial waste materials dumped onto undeveloped land. Available information indicates that the wastes originated, in part, from operations at the former Electric Rubber and Hose facility along 12th Street. The dump exists, in part, on Tax Parcel 26-045.00-019 which comprises the bank of the Brandywine Creek and is owned or controlled by the Wilmington Economic Development Corporation (WEDCO). The estimated area of the dump is highlighted on the enclosed figure which also depicts real estate parcels.

The Removal Action is directed by the EPA On-Scene Coordinator and includes activities intended to reduce the migration potential for the hazardous substances at the Site. The Action intends to prevent ongoing releases of hazardous substances from the Site into the Brandywine Creek and to prevent exposure to hazardous substances at the surface. As such, the Action includes activities that will grade the wastes in a manner that will enable EPA to install a suitable protective cover. The protective cover will prevent release of the wastes into the Brandywine Creek. The grade and cover process necessarily requires that EPA conduct activities on property owned or controlled by WEDCO.

I am the EPA On-Scene Coordinator and the official responsible for directing EPA activities at the Site. I have been coordinating with or informing various officials within the City of Wilmington. This letter requests WEDCO to provide information on probable future land use on a portion of the WEDCO parcel as that land use may impact the ongoing process.

The deed records we reviewed indicate that WEDCO currently owns or controls a parcel of land designated as Tax Parcel 26-045.00-019. Currently, a facility operates a storage yard on a portion of this parcel. The facility (Asset Recovery Services) stores a variety of equipment on the property. The fence enclosing the storage yard is depicted on the enclosed figure. Recently, the City has assisted the EPA effort by facilitating the movement of the stored materials out of the operational area of the Removal Action.

The configuration of property ownership within the fenced storage yard indicates that at least three different entities own or control property within the fence; DELDOT (Parcel 26-045.00-014), the City of Wilmington Economic Development Corp. (26-045.00-019), and Mr. Sidney Maffet (26-045.00-017). The DELDOT parcels within the fence (described above), the property owned by Mr. Maffet, and a portion of the property owned or controlled by the City of Wilmington have been used for storage of materials by the facility. The facility (Asset Recovery Services) apparently leases property owned or controlled by Mr. Maffet.

The remedy now being constructed by EPA will likely prohibit intrusive excavation into the constructed cover to prevent future exposure to hazardous substances. The constructed cover will also have grades that are not conducive for storage purposes in some areas. Considering that some of the land at the Site is now used and could be used in the future for storage purposes, I am evaluating the possibility of constructing a waste cover that would not prevent this land use in the future in the general area now used for storage. Alternatively, I am evaluating the possibility of grading the waste materials in such a manner to minimize the amount of material now located within the fenced yard. In any situation, I desire to install a cover that will not prohibit permitted land use now occurring on the Maffet property.

If WEDCO chooses to allow storage on their property in the future to enable the current business operation to continue, I would like to know. The decision by WEDCO to allow the facility to store equipment on a portion of the WEDCO tax parcel could alter the type of cover installed by EPA on the parcels in question. In other words, if the business now utilizing the various tax parcels for storage is allowed to continue, the type of cover installed by EPA over these various parcels could be accomplished with future land use in mind. If certain land uses are prohibited, then the cover EPA installs would be different for each of the various parcels.


Ultimately, the type of cover installed by EPA will simply need to achieve the goals of preventing exposure to and migration of hazardous substances. I can, however, install different types of cover to achieve these goals. But, if EPA installs a cover that allows storage (e.g., asphalt) for the business and the business is not permitted to operate on the WEDCO property, I will have acted in my interests (facilitated action) and not the City's or the Corporation's.

In summary, please advise on the future land use scenario for the parcel of land owned or controlled by WEDCO such that I can determine the type of cover material to be placed. In the absence of further information, the cover will consist of up to several feet of soil material compacted in place and vegetated. This cover will virtually eliminate the future usability of the portion of the WEDCO parcel now in use within the fence.

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I am eager to cooperate with WEDCO, DELDOT and Asset Recovery Services and Mr. Maffet to achieve the desired goals and needs of all concerned parties. Mr. Maffet may be reached at 302-479-5341. Mr. Tony Mitlo of Asset Recovery Services may be reached at 302-575-1277. I may be reached at 302-573-5120 (Site telephone number) or 215-814-3272 if you have any questions about the enclosed information. A similar letter has been sent to the Delaware Department of Transportation.

Sincerely,



Michael Towle,
On-Scene Coordinator

encl:

cc: Mr. Arthur Boswell, Adm. Asst. Chief of Staff
Mr. David Bostrom, Dir. Pub. Safety
Mr. George Giles, Dir. OEM
Ms. Aileen Mandigma, Asst. City Solicitor
Mr. A Goldman, EPA ORC
Mr. Shawn Garvin, EPA
Ms. A. Breslin, DNREC

